



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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State Employees Association of New Hampshire  
Local 1984 SEIU for State Police Supervisors

Petitioner

v.

State of New Hampshire

Respondent

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Case No. P-0713-8

Decision No. 2002-026

### PRE-HEARING DECISION and ORDER

#### BACKGROUND

The State Employees Association of New Hampshire, Local 1984, SEIU, (hereinafter referred to as the "Union") filed a complaint with the Public Employee Labor Relations Board on January 11, 2002 in which the Union alleged improper labor practices (ULP) had been committed by the State of New Hampshire (hereinafter referred to as the "State"). The Union states that as a result of actions of the State in negotiating a new collective bargaining agreement with the NH Troopers Association that contained certain increases in pay involving a combination of reclassification, step increase, hazardous duty pay, and expansion of the salary matrix, the State violated an August 13, 2001 Memorandum of Agreement with the Union. The effect of the memorandum was to tie the Union members' consequent pay increases to the Troopers' increases if the latter unit's increase were greater. The Union further alleges that by operation of the several wage related actions related to the Troopers' increase, the Union members have not received the appropriate increases due to them. The Union requests relief in the form of one labor grade increase for the "Commissioned Officers" within its bargaining unit retroactive to November 30, 2001 and payment of Hazardous Duty Pay equal to that paid to the Troopers' Association for the period July 1, 2000 to November 28, 2001.

The State of New Hampshire responded by filing its answer on January 28, 2002 in which it denies that its actions related to the various pay increments granted to members of the NH Troopers' unit violated any side agreement entered into with the Union. The State asserts that the matters raised by the Union's complaint are subject to a grievance procedure previously agreed upon by the parties and that the existence of said

grievance procedure prevents the PELRB from exercising its jurisdiction. The State requests that the PELRB dismiss the Union complaint.

The matter was scheduled for a Pre-Hearing Conference that was conducted on February 22, 2002. Both parties were represented at that time and, after discussion between themselves and with the undersigned Hearing Officer, agreed to the stipulations appearing herein that are incorporated into this Order.

PARTICIPATING REPRESENTATIVES

For the Complainant: Dennis Martino, Executive Assistant SEIU, SEA-NH

For the Respondent: Thomas F. Manning, Director, Division of Personnel  
Sarah J. Willingham, Manager of Employee Relations

ORDER

The parties having agreed and stipulated as follows:

1. That this case shall be held in abeyance by the PELRB pending the parties' participation in grievance arbitration and the issuance of an Arbitrator's Award.
2. That the Union, as complainant in this pending ULP, shall notify the PELRB of the results of said arbitration and forward a copy of the arbitrator's decision to the PELRB within five (5) days of its receipt.
3. Further, that unless either party files a request, within thirty (30) days of the arbitrator's decision, with the PELRB for further review, this case shall be administratively dismissed. If such an additional hearing is requested, the Union shall amend its complaint to indicate the specific statutory provisions of RSA 273-A alleged to have been violated by the State. Thereafter, the matter shall be processed and set for hearing on a priority basis.
4. Neither party shall suffer any diminishment of its contractual or statutory rights by stipulating to this abeyance and good faith participation in the grievance process shall toll any limitations on actions alleged in the Union's complaint.

So Ordered.

Signed this 22<sup>nd</sup> day of February, 2002.



Donald E. Mitchell, Esq.  
Hearing Officer